



California Department of Education Uniform Complaint Procedures (UCP) 2017–18 Program Instrument

II. Governance and Administration

UCP 01: Policies and Procedures

The local educational agency (LEA) adopted Uniform Complaint Procedures (UCP) for all specified programs.¹

1.0 LEA policies and procedures were adopted by the LEA's governing board and include the following:

(a) All programs and activities that are subject to the UCP^{1, 3b}

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content^{3d}
- Economic Impact Aid
- Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
- English Learner Programs
- Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
- Local Control and Accountability Plans (LCAP)³ⁱ
- Migrant Education
- Physical Education Instructional Minutes^{3g}
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

(b) A statement that the LEA shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

(c) A statement that the LEA shall investigate and seek to resolve in accordance with the LEA's UCP complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of

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discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the district that are subject to the UCP.²

(d) A statement ensuring annual dissemination of a written notice of the LEA's complaint procedures to all students, employees, parents or guardians of its students, school and district advisory committees member, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.^{3e}

(e) A statement identifying the person(s), employee(s), or LEA position(s), or unit(s) responsible for receiving complaints, investigating complaints and ensuring LEA compliance.

(f) A statement ensuring the person(s), employees(s), positions(s) or unit(s) responsible for compliance and/or investigations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.

(g) A statement that the LEA will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in California *Education Code (EC)* sections 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the LEA, which is funded directly by, or that receives or benefits from any state financial assistance.

(h) A statement that unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

(i) A statement ensuring that the complainants are protected from retaliation.

(j) A statement advising complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

(k) Statements that if a public school or LEA finds merit in a complaint regarding Pupil Fees, LCAPs, Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), the public school or LEA shall provide a remedy.

In the case of complaints regarding: Course Periods without Educational content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, the remedy shall go to the affected pupil.

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In the case of complaints regarding: Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall to go all affected pupils and parents/guardians.

- (l) A statement that a pupil fees complaint may be filed with the principal of a school or the LEA superintendent or his or her designee.
- (m) A statement that a pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
- (n) A statement that a pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.
- (o) A statement ensuring that the LEA will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.
- (p) A statement that the LEA will provide an opportunity for complainants and/or representatives to present evidence or information.
- (q) A statement that refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.
- (r) A statement ensuring that refusal by the LEA to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.
- (s) A statement that the LEA complaint will be investigated and a written report issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.
- (t) The report will contain the following elements:
 - i. The findings of fact based on the evidence gathered.
 - ii. Conclusion of law.
 - iii. Disposition of the complaint.
 - iv. The rationale for such a disposition.
 - v. Corrective actions, if any are warranted.
 - vi. Notice of the complainant's right to appeal the LEA Decision to the California Department of Education (CDE).
 - 1. A statement that a complainant may appeal an LEA's Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.²
 - vii. Procedures to be followed for initiating an appeal to CDE.

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1. A statement that to appeal an LEA's UCP Complaint Decision the complainant must file a written appeal within 15 days of receiving the Decision to CDE. This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of the LEA's Decision are incorrect and/or the law is misapplied.
2. A statement that in addition the appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the Decision.

¹ Legal References for UCP 1

20 United States Code (U.S.C.) section (§) 6301 et seq.

34 Code of Federal Regulations (CFR) sections (§§) 299.11, 300.510-511

EC §§ 200, 220, 222, 234.1-234.5, 262.3, 8200-8493, 8500-8538, 32280-32289; 33380-33384, 35186, 44500, 47606-47606.5, 47607.3, 48645.5, 48853, 48853.5, 48985, 49010-49013, 49069.5, 49490-49570, 51210, 51223, 51225.1, 51225.2, 51228.1-51228.3, 52059, 52060-52075, 52160, 52300-52480, 52500-52616.4, 54440-54445, 56000-56865, 59000-59300, 64000 (a)

California Government Code (GC) § 11135

California Health and Safety Code (HSC) § 104420

California Penal Code (PC) § 422.55

California Welfare and Institutions Code (WIC) §§ 300, 309, 602

California Code of Regulations, Title 5 (5 *CCR*) §§ 4600-4687

² Programs and activities that are subject to the UCP and their citation(s)^{3b}:

Adult Education (*EC* §§ 8500-8538, 52334.7, 52500-52616.4)

After School Education and Safety (*EC* §§ 8482-8484.65)

Agricultural Vocational Education (*EC* §§ 52460-52462)

American Indian Education Centers and Early Childhood Education Program Assessments (*EC* §§ 33380-33384)

Bilingual Education (*EC* §§ 52160-52178)

California Peer Assistance and Review Programs for Teachers (*EC* § 44500)

Career Technical and Technical Education, Career Technical, Technical Training (*EC* §§ 52300-52480)

Career Technical Education (*EC* §§ 51226-51226.1)

Child Care and Development (*EC* §§ 8200-8493)

Child Nutrition (*EC* §§ 49490-49570)

Compensatory Education (*EC* § 54400)

Consolidated Categorical Aid (*EC* § 64000(a))

Course Periods without Educational Content (*EC* §§ 51228.1-51228.3)^{3d}

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Economic Impact Aid (*EC* § 54000)

Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district (*EC* §§ 51225.1, 51225.2)

Every Student Succeeds Act / No Child Left Behind (20 U.S.C. § 6301 et seq.; *EC* § 52059)

Local Control and Accountability Plans (LCAP)³ⁱ

Migrant Education (*EC* §§ 54440-54445)

Physical Education Instructional Minutes (*EC* §§ 51210(a)(7), 51210(b)(1), 51223)^{3g}

Pupil Fees (*EC* §§ 49010-49011)

Reasonable Accommodations to a Lactating Pupil (*EC* § 222)

Regional Occupational Centers and Programs (*EC* §§ 52300-52334.5)

School Safety Plans (*EC* §§ 32280-32289)

Special Education (*EC* §§ 56000-56865 and 59000-59300)

State Preschool (*EC* §§ 8235-8239)

Tobacco-Use Prevention Education (*EC* § 64000; HSC § 104420)

Evidence Request Titles

Uniform Complaint Procedures (UCP) Policies and Procedures

UCP 02: Annual Notice

LEA annually notified its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the LEA's UCP process.^{1, 3f}

2.0 Annual written notice of the complaint procedures is provided to students, employees, parents/guardians, advisory committees, private school officials and other interested parties. This notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the *EC* or mode of communication of the recipient of the notice. The annual notice includes the following:

(a) A statement that the LEA is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP:^{1, 3b}

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers

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- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content^{3d}
- Economic Impact Aid
- Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
- English Learner Programs
- Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
- Local Control and Accountability Plans (LCAP)³ⁱ
- Migrant Education
- Physical Education Instructional Minutes^{3g}
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

(b) A statement that a pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

(c) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

(d) A statement that a pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

(e) A statement that the LEA shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district as specified in *EC* Sections 48853, 48853.5, 49069.5, 51225.1 and 51225.2.

The notice shall include complaint process information, as applicable.

(f) A statement identifying the responsible staff member, position, or unit designated to receive complaints.

(g) A statement that the complainant has a right to appeal the LEA's Decision of complaints regarding specific program.²

(h) A statement advising the complainant of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

(i) A statement that copies of the local educational agency complaint procedures shall be available free of charge.

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¹ Legal References for UCP 2

20 United States Code (20 U.S.C.) § 6301 et seq.

34 Code of Federal Regulations (34 CFR) §§ 299.11 & 300.510-511

California *Education Code* (EC) §§ 200, 220, 222, 234.1-234.5, 262.3, 8200-8493, 8500-8538, 32280-32289; 33380-33384, 35186, 44500, 47606-47606.5, 47607.3, 48204, 48645.5, 48853, 48853.5, 48985, 49010-49013, 49069.5, 49490-49570, 51210, 51223, 51225.1, 51225.2, 51226-51226.1, 51228.1-51228.3, 52059, 52060-52075, 52160-52178, 52300-52480, 52500-52616.4, 54440-54445, 56000-56865, 59000-59300, 64000 (a)

California Government Code (GC) §§ 11135

California Health and Safety Code (HSC) § 104420

California Penal Code (PC) § 422.55

California Welfare and Institutions Code (WIC) §§ 300, 309, 602

California Code of Regulations, Title 5 (5 CCR) §§ 4600-4687

² Programs and activities that are subject to the UCP and their citation(s):^{3b}

Adult Education (EC §§ 8500-8538, 52334.7, 52500-52616.4)

After School Education and Safety (EC §§ 8482-8484.65)

Agricultural Vocational Education (EC §§ 52460-52462)

American Indian Education Centers and Early Childhood Education Program Assessments (EC §§ 33380-33384)

Bilingual Education (EC §§ 52160-52178)

California Peer Assistance and Review Programs for Teachers (EC § 44500)

Career Technical and Technical Education, Career Technical, Technical Training (EC §§ 52300-52480)

Career Technical Education (EC §§ 51226-51226.1)

Child Care and Development (EC §§ 8200-8493)

Child Nutrition (EC §§ 49490-49570)

Compensatory Education (EC § 54400)

Consolidated Categorical Aid (EC § 64000(a))

Course Periods without Educational Content (EC §§ 51228.1-51228.3)^{3d}

Economic Impact Aid (EC § 54000)

Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district (EC §§ 51225.1, 51225.2)

Every Student Succeeds Act / No Child Left Behind (20 U.S.C. § 6301 et seq., EC § 52059)

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Local Control and Accountability Plans (LCAP)³ⁱ

Migrant Education (*EC* §§ 54440-54445)

Physical Education Instructional Minutes (*EC* §§ 51210(a)(7), 51210(b)(1), 51223)^{3g}

Pupil Fees (*EC* §§ 49010-49011)

Reasonable Accommodations to a Lactating Pupil (*EC* § 222)

Regional Occupational Centers and Programs (*EC* §§ 52300-52334.5)

School Safety Plans (*EC* §§ 32280-32289)

Special Education (*EC* §§ 56000-56865 and 59000-59300)

State Preschool (*EC* §§ 8235-8239)

Tobacco-Use Prevention Education (*EC* § 64000; HSC § 104420)

Evidence Request Titles

Uniform Complaint Procedures (UCP) Annual Notice 2016–2017

Uniform Complaint Procedures (UCP) Annual Notice Form for UCP 2

UCP 03: Investigation of Complaints

In accordance with the UCP of the LEA, the LEA investigated and resolved complaints alleging discrimination, harassment, intimidation, bullying, or alleging a violation by the LEA of a federal or state law or regulation governing the following programs or activities:

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content^{3d}
- Economic Impact Aid
- Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
- English Learner Programs
- Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
- Local Control and Accountability Plans (LCAP)³ⁱ
- Migrant Education
- Physical Education Instructional Minutes^{3g}

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- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

3.0 Review of proper implementation of the investigation process:

3.1 The LEA certifies whether or not it received any UCP complaints in the 12 months before the upload deadline of their scheduled Federal Program Monitoring (FPM) review. If no complaints were received, no additional steps are necessary.

3.2 If the LEA certifies that complaints were received, the LEA is to upload on the California Department of Education Monitoring Tool (CMT) its UCP Complaint Log within the 30-day upload period prior to their FPM review.

3.3 A random selection of UCP complaints from the LEA's Complaint Log, including a minimum of 10 percent or 10 files, whichever is greater, will be reviewed to determine whether:^{3h}

- (a) The investigative process allowed the complainants and/or representatives the opportunity to present evidence or information. (5 CCR § 4631)
- (b) A written Decision was sent to the complainant within the 60-day time line or the time was extended by written agreement of the complainant. (5 CCR § 4631)
- (c) A random selection of LEA Decisions contain the following:
 - (i) The findings of fact based on the evidence gathered. (5 CCR § 4631)
 - (ii) Conclusion of law. (5 CCR § 4631)
 - (iii) Disposition of the complaint. (5 CCR § 4631)
 - (iv) The rationale for such a disposition. (5 CCR § 4631)
 - (v) Corrective actions, if any are warranted. (5 CCR § 4631)
 - (vi) Notice of the complainant's right to appeal the LEA Decision to CDE. (EC §§ 234.1, 49013; 5 CCR § 4631)
 - (vii) Procedures to be followed for initiating an appeal to CDE. (EC §§ 234.1, 49013; 5 CCR § 4631)

¹ Legal References for UCP 3

20 United States Code (20 U.S.C.) § 6301 et seq.

34 Code of Federal Regulations (34 CFR) §§ 299.11 & 300.510-511

California *Education Code (EC)* §§ 200, 220, 222, 234.1-234.5, 262.3, 8200-8493, 8500-8538, 32280-32289; 33380-33384, 35186, 44500, 47606-47606.5, 47607.3, 48204, 48645.5, 48853, 48853.5, 48985, 49010-49013, 49069.5, 49490-49570, 51210, 51223, 51225.1, 51225.2, 51226-51226.1, 51228.1-51228.3, 52059, 52060-52075, 52160-

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52178, 52300-52480, 52500-52616.4, 54440-54445, 56000-56865, 59000-59300, 64000
(a)

California Government Code (GC) §§ 11135

California Health and Safety Code (HSC) § 104420

California Penal Code (PC) § 422.55

California Welfare and Institutions Code (WIC) §§ 300, 309, 602

California Code of Regulations, Title 5 (5 CCR) §§ 4600-4687

² Programs and activities that are subject to the UCP and their citation(s)^{3b}:

Adult Education (*EC* §§ 8500-8538, 52334.7, 52500-52616.4)

After School Education and Safety (*EC* §§ 8482-8484.65)

Agricultural Vocational Education (*EC* §§ 52460-52462)

American Indian Education Centers and Early Childhood Education Program
Assessments (*EC* §§ 33380-33384)

Bilingual Education (*EC* §§ 52160-52178)

California Peer Assistance and Review Programs for Teachers (*EC* § 44500)

Career Technical and Technical Education, Career Technical, Technical Training (*EC* §§
52300-52480)

Career Technical Education (*EC* §§ 51226-51226.1)

Child Care and Development (*EC* §§ 8200-8493)

Child Nutrition (*EC* §§ 49490-49570)

Compensatory Education (*EC* § 54400)

Consolidated Categorical Aid (*EC* § 64000(a))

Course Periods without Educational Content (*EC* §§ 51228.1-51228.3)^{3d}

Economic Impact Aid (*EC* § 54000)

Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court
Pupils now enrolled in a school district (*EC* §§ 51225.1, 51225.2)

Every Student Succeeds Act / No Child Left Behind (20 U.S.C. § 6301 et seq.; *EC* §
52059)

Local Control and Accountability Plans (LCAP)³ⁱ

Migrant Education (*EC* §§ 54440-54445)

Physical Education Instructional Minutes (*EC* §§ 51210(a)(7), 51210(b)(1), 51223)^{3g}

Pupil Fees (*EC* §§ 49010-49011)

Reasonable Accommodations to a Lactating Pupil (*EC* § 222)

Regional Occupational Centers and Programs (*EC* §§ 52300-52334.5)

School Safety Plans (*EC* §§ 32280-32289)

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Special Education (*EC* §§ 56000-56865 and 59000-59300)

State Preschool (*EC* §§ 8235-8239)

Tobacco-Use Prevention Education (*EC* § 64000; HSC § 104420)

Evidence Request Titles

Sample Uniform Complaint Procedures (UCP) Complaint Log

Uniform Complaint Procedures (UCP) Self-certification Form for UCP 3

UCP 04: Williams Complaints Policies and Procedures

The LEA adopted the UCP process in accordance with Chapter 5.1 (commencing with Section 4680) of 5 *CCR*, to resolve Williams Complaints regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The LEA is required to have local policies and procedures that enable Williams Complaints to be handled through its UCP process. These complaints regard alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.^{1, 3c}

4.0 LEA policies and procedures were adopted^{3a} and include the following:

- (a) Williams Complaints shall be filed with the principal of the school or his or her designee, in which the complaint arises.
- (b) A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate school district official for resolution.
- (c) Williams Complaints may be filed anonymously.
- (d) If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint.
- (e) If Section 48985 of the *EC* is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.
- (f) The school shall have a complaint form available for such Williams Complaints.
- (g) The Williams Complaints form shall identify the place for filing the complaint.
- (h) The Williams Complaints form will include a space to indicate whether a response is requested.
- (i) The complainant need not use the Williams Complaint form to file a complaint.
- (j) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority.

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(k) The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.

(l) The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response.

(m) The principal makes this report; the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.

(n) A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board.

(o) The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.

(p) The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district.

(q) The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

(r) The complaints and responses shall be available as public records.

4.1 LEA policies and procedures include the following statements on how to file an appeal regarding facilities complaints to the State Superintendent of Public Instruction (SPI).

(s) A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of *EC* § 17592.72, has the right to file an appeal to the SPI within 15 days of receiving the report.

(t) The complainant shall comply with the appeal requirements of 5 *CCR* § 4632.

¹ Legal References for UCP 4

California Education Code (*EC*) §§ 1240, 17592.72, 35186, 48985, 60640

California Code of Regulations, Title 5 (5 *CCR*) §§ 4680–4687

Evidence Request Titles

Williams Complaint Policies and Procedures

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UCP 05: Williams Complaints Classroom Notice

The LEA provided a UCP process in accordance with Chapter 5.1 (commencing with Section 4680) of the 5 CCR, to resolve Williams Complaints by posting a Williams Complaints classroom notice notifying parents, guardians, pupils, and teachers in each classroom in each school in each district regarding alleged deficiencies related to instructional materials, facility conditions, and teacher vacancy or misassignment.^{1, 3c, 3f}

The LEA's Williams Complaint Classroom Notice will be reviewed by the Regional Team Leader during an on-site review or by a Consultant in the California Department of Education (CDE) Categorical Complaints Management Office during an online review.

5.0 A notice shall be posted in each classroom in each school in the school district, and include the following statements:

- (a) The notice shall address parents, guardians, pupils, and teachers.
- (b) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
- (c) School facilities must be clean, safe, and maintained in good repair.
- (d) There should be no teacher vacancies or misassignments.
- (e) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the CDE shall satisfy this requirement.

5.1 Each Williams Complaints Classroom notice must be exactly the same as in each classroom and must be exactly the same as the sample that is posted on CMT.

¹ Legal References for UCP 5

California Education Code (EC) §§ 1240, 35186, 60640

California Code of Regulations, Title 5 (5 CCR) §§ 4684, 4600–4687

Evidence Request Titles

Williams Complaint Classroom Notice

Williams Complaint Self-certification Form for UCP 5

UCP 06: Williams Complaint Form

The LEA provided a UCP process in accordance with Chapter 5.1 (commencing with Section 4680) of 5 CCR, to resolve Williams Complaints by providing a form for Williams Complaints regarding alleged deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.^{1, 3c, 3f}

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6.0 The LEA form for complaints concerning deficiencies related to instructional materials, teacher vacancy or misassignments, and conditions of facilities that are not maintained in a clean or safe manner or in good repair, include the following sections:

- (a) A section to indicate if a response is requested.
- (b) A section for contact information including mailing address should a response be requested.
- (c) A section to identify the location
- (d) A section to identify the course or grade level, if applicable.
- (e) A section where the complainant describes the specific nature of the complaint in detail.
- (f) A statement that the complainant may include as much text as the complainant feels is necessary.
- (g) A statement identifying where to file the complaint.

6.1 The LEA form for complaints concerning deficiencies related to instructional materials includes sections identifying the following allegations:

- (h) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class.
- (i) A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- (j) Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.
- (k) A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

6.2 The LEA UCP form for complaints concerning deficiencies related to teacher vacancy or misassignments includes the following sections to identify the following allegations:

- (l) A semester begins and a teacher vacancy exists. (A position to which a single designated certificate employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one - semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).
- (m) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- (n) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

6.3 The LEA UCP form for complaints concerning deficiencies related to conditions of facilities that are not maintained in a clean or safe manner or in good repair includes the following sections to identify the following allegations:

2017–18 UCP Program Instrument (Continued)

(o) A condition poses an urgent or emergency threat to the health or safety of pupils or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air - conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.

(p) A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and towels or functional hand dryers.

(q) The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs.

¹ Legal References for UCP 6

California Education Code (*EC*) §§ 1240, 17592.72, 35186, 35292.5, 35292.5(a)(1), 60640

California Code of Regulations, Title 5 (5 *CCR*) §§ 4600–4687

Evidence Request Titles

Williams Complaint Form

2017–18 UCP Program Instrument (Continued)

³ NOTES

- ^{3a} When “authorized designee” is used instead of the local governing board to approve and adopt policies and procedures, the LEA is to provide evidence of delegation on CMT.
- ^{3b} When LEAs are unable to list all programs and activities subject to the UCP according to 5 CCR § 4610, they are to comment in CMT which programs and activities are not in operation.
- ^{3c} For LEAs maintaining grades ten through twelve: Due to enactment of SB 97 (2013) and SB 172 (2015) it is no longer necessary that the following statement be included on the Williams Complaint documents, “A student, including an English learner, who has not passed the California High School Exit Exam (CAHSEE) by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first.” If an LEA chooses to include this language in their Williams Complaint documents a statement must include that the CAHSEE is currently suspended until July 31, 2018.
- ^{3d} For LEAs maintaining grades nine through twelve, only.
- ^{3e} The UCP Annual Notice may be posted on the LEA web site, but must, in addition, be distributed to all employees, students, parents/guardians, advisory committee members, private school officials (if any) and other interested parties with access thereof in a tangible format.
- ^{3f} Of the six UCP items, 5 CCR § 4621(a) requires that local policies and procedures (UCP 1 and 4) are adopted by the local governing board.
- ^{3g} For LEAs maintaining grades one through six, only
- ^{3h} For an on-site FPM review, the Regional Team Lead (RTL) will select and review a sample of UCP complaints from the LEA’s complaint log, of a minimum of 10 percent or 10 files whichever is greater.

For an online FPM review, a consultant in the Categorical Programs Complaints Management (CPCM) office will select a sample of UCP complaints from the LEA’s complaint log, of a minimum of 10 percent or 10 files whichever is greater. LEAs will be required to complete the Self-certification Form for UCP 3 for the complaint files selected by the CDE consultant; and to upload the completed form to CMT upon completion.

(The Self-certification Form for UCP 3 is only used during online reviews, and not during on-site reviews.)

- ³ⁱ LCAP include Charter Schools as described in EC §§ 47606.5 and 47607.3

2017–18 UCP Program Instrument (Continued)

UCP Evidence Requests

Sample Uniform Complaint Procedures (UCP) Complaint Log

UCPCmplntLg

Description: Structured list of UCP complaints filed, investigated and resolved in previous 12 months. Will discuss with UCP Consultant during both on site and online FPM reviews. **Not** a Williams Complaint Quarterly Report.

Item Instructions: UCP 03: (1) Determine UCP complaints investigated and resolved within 12 months; (2) Fill out Complaint Log; (3) Provide Log: if online review, upload to CMT; if on site review, give to RTL; and (4) Wait to be contacted by CDE.

Uniform Complaint Procedures (UCP) Annual Notice 2016–2017

UCPAnINtc

Description: A written document informing LEA employees, students, parents, school and district advisory committee members, private school officials, and other interested parties of the UCP process.

Item Instructions: UCP 02: (1) Study UCP Instrument; (2) Revise document if necessary; (3) Distribute to employees, students, parents, advisory committee members, private school officials, and other interested parties; and (4) Post document on CMT.

Related Items: UCP 02

Uniform Complaint Procedures (UCP) Annual Notice Form for UCP 2

UCPAnINtcFrm

Description: Confirms required actions: contains language, provided to employees, students, parents, advisory committees, private school officials, and interested parties in accessible format, provided in English and primary language.

Item Instructions: UCP 02: (1) Print blank form from CMT Resources; (2) Fill in all information and make sure is correct; and (3) Upload form to UCP 2 section of CMT.

Related Items: UCP 02

2017–18 UCP Program Instrument (Continued)

Uniform Complaint Procedures (UCP) Policies and Procedures

UCPCmplntPlcs&Prcdrs

Description: Document that explains the UCP process regarding filing, investigation and resolution of a UCP complaint according to 5 CCR §§ 4600-4670 as directed by the 2017–18 UCP Instrument.

Item Instructions: UCP 01: (1) Study the 2017–18 UCP Instrument; (2) May use 2017–18 UCP Checklist as a guide; (3) Revise document if necessary; (4) Submit for governing board approval; and (5) Post board-approved document on CMT.

Related Items: UCP 01

Uniform Complaint Procedures (UCP) Self-certification Form for UCP 3

UCPSlf-CrtfctnFrm

Description: Form certifying either no UCP complaints filed or proper implementation of the UCP process of UCP complaints investigated and resolved in past 12 months. **Not** a Williams Complaint Quarterly Report.

Item Instructions: UCP 03: Online reviews only: (1) If no UCP complaints in LEA, print blank form from CMT Resources; (2) Check 'A' square; (3) Have Superintendent print and sign name; (4) Fill in date; and (5) Upload completed form to CMT.

Related Items: UCP 03

Williams Complaint Classroom Notice

WlmsCmplttClstrmNtc

Description: Notice that is posted according to EC § 35186(f) alerting right to file complaints alleging deficiencies in instructional materials, condition of a facility, and teacher vacancy or misassignment

Item Instructions: UCP 05: (1) Study the 2017–18 UCP Instrument; (2) May use 2017–18 UCP Checklist as a guide; (3) May use sample provided in CMT Resources; (4) Revise notice as necessary; and (5) Upload completed notice to CMT.

Related Items: UCP 05

2017–18 UCP Program Instrument (Continued)

Williams Complaint Form

WlmsCmpltFrm

Description: Form to file a Williams Complaint with the principal of the school alleging possible deficiencies in instructional materials, unmaintained facility conditions, and teacher vacancy or misassignment.

Item Instructions: UCP 06: (1) Study the 2017–18 UCP Instrument; (2) May use 2017–18 UCP Checklist as a guide; (3) May use sample provided in CMT Resources; (4) Revise form as necessary; and (5) Upload completed form to CMT.

Related Items: UCP 06

Williams Complaint Policies and Procedures

WlmsCmpltPlcys&Prcdrs

Description: Document that explains the UCP process regarding filing, investigation and resolution of a Williams complaint according to 5 CCR §§ 4680-4687 as directed by the 2017–18 UCP Instrument.

Item Instructions: UCP 04: (1) Study the 2017–18 UCP Instrument; (2) May use 2017–18 UCP Checklist as a guide; (3) Revise document if necessary; (4) Submit for governing board approval; and (5) Post board-approved document on CMT.

Related Items: UCP 04

Williams Complaint Self-certification Form for UCP 5

WlmsCmpltSlf-Crtfctn

Description: Form certifying the Williams Complaint Classroom Notice is posted in each classroom in each school in the LEA according to EC § 35186(f).

Item Instructions: UCP 05: Online reviews only: (1) Print blank form; (2) Check both squares; (3) Have Superintendent print and sign name; (4) Fill in date; and (5) Upload completed form to CMT. RTL will randomly check for notice in classrooms.

Related Items: UCP 05
